

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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M-B-W INC.,  
BARIKELL S.p.A.,

Plaintiffs,

v.

Case No. 07-CV-390

MULTIQUIP, INC.,

Defendant.

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**ORDER**

Plaintiff M-B-W Inc., (“M-B-W”) filed its complaint on April 27, 2007, seeking, among other things, a judgment declaring that products manufactured by M-B-W do not infringe a patent owned by defendant Multiquip, Inc. (“Multiquip”). After receiving an extension of time to serve Multiquip, M-B-W served a summons and complaint upon Multiquip on December 14, 2007, and Multiquip filed its answer and a counterclaim on January 17, 2008. Several procedural motions are before the court. M-B-W filed a motion for leave to file an amended complaint on January 16, 2008, adding Barikell S.p.A. as a plaintiff. On January 17, 2008, M-B-W filed a motion to withdraw its motion for leave to file an amended complaint, and filed a motion to file a second amended complaint. The second amended complaint changes the name of Barikell S.p.A. to Barikell S.r.l. The parties filed a stipulation on February 26, 2008, effectively resolving the pending motions. Pursuant to the terms of the parties’ stipulation, the pending motions will be resolved as set forth below.

Accordingly,

**IT IS ORDERED** that the plaintiffs' motion to withdraw their motion for leave to file amended complaint (Docket # 16) be and the same is hereby **GRANTED**. The plaintiffs' motion to add a party and for leave to file an amended complaint (Docket # 11) be and the same is hereby withdrawn and **DENIED** as moot.

**IT IS FURTHER ORDERED** that plaintiffs' motion for leave to file a second amended complaint (Docket # 14) be and the same is hereby **GRANTED**. Pursuant to Civil Local Rule 15.1, the clerk of court shall file the plaintiffs' second amended complaint attached to the plaintiffs' motion. The plaintiffs shall promptly serve a summons and their second amended complaint upon the defendant.

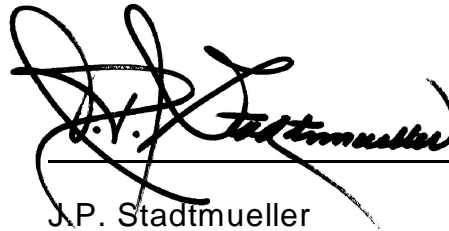
**IT IS FURTHER ORDERED** that the defendant's motion for more definite statement of Count II of the original complaint (Docket # 19) be and the same is hereby withdrawn and **DENIED** as moot.

**IT IS FURTHER ORDERED** that the defendant's motion to join parties (Docket # 22) be and the same is hereby **DENIED** as moot. Pursuant to the parties' stipulation, Allen Engineering Corporation shall be permitted to be joined as an additional counterclaimant to the defendant's counterclaim that the defendant shall promptly serve and file after being served by the plaintiffs with the second amended complaint.

**IT IS FURTHER ORDERED** that the plaintiffs' motion for an extension of time to file an answer to the defendants' counterclaim (Docket # 25) be and the same is hereby **DENIED** as moot. Pursuant to the parties' stipulation, the plaintiffs shall have 30 days from the date of service to file and serve their answer to the defendants' counterclaim.

Dated at Milwaukee, Wisconsin, this 27th day of February, 2008.

BY THE COURT:

A handwritten signature in black ink, appearing to read "J.P. Stadtmueller", is written over a horizontal line.

J.P. Stadtmueller  
U.S. District Judge